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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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27123	7590	02/18/2005		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER SHINGLES, KRISTIE D	
			ART UNIT 2141	PAPER NUMBER

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/966,902	Applicant(s) HIROTA, MAKOTO	
	Examiner Kristie Shingles	Art Unit 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-29 are pending.

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Applications No. JP 2000-302761 and JP 2000-302762 filed on October 2, 2000.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: *S502, S503, S1413, 1041-1405, 1501 and 1503*. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims **18-21** are objected to because of the following informalities: duplicate claims—claims 18 and 19 are identical, as well as claims 20 and 21. Applicant is required to cancel the claim(s), rewrite the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form.

Claim Rejections - 35 USC § 101 Utility

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims **9, 28 and 29** are rejected under 35 U.S.C. 101 because the claimed invention is not supported by statutory subject matter. In the claims, “A program...” is deemed non-statutory subject matter unless implemented on a computer-readable medium.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims **1, 2, 7-12, 17 and 24-29** are rejected under 35 U.S.C. 102(e) as being anticipated by *Tsujimoto* (USPN 6,271,841).

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a. **Per claim 1**, *Tsujimoto* teaches an information processing system comprising a transmitting apparatus for transmitting news information, and a receiving apparatus communicably connected to said transmitting apparatus for receiving the news information, wherein said receiving apparatus includes:

- voice output means for outputting the content of the received news information as voice in an order predetermined based upon the content of the news information (**Abstract, Figure 1, column 3 line 54-column 4 line 4, column 4 line 61-column 5 line 3 and column 7 line 60-column 8 line 23; provision for voice output of news information via signal and speaker**); and
- display means for displaying an animation, which imitates a speaking individual, in conformity with the output of said voice (**Abstract, Figure 1, column 4 line 5-column 6 line 3, column 7 line 18-column 8 line 23 and column 8 line 54-column 9 line 3; provision for display of animation speaking in synchronization with the voice output of news information**).

b. **Claims 2 and 7-9** contain limitations that are substantially equivalent to claim 1 and are therefore rejected on the same basis.

c. **Per claim 11**, *Tsujimoto* teaches an information processing system having a first communication apparatus for transmitting news information, and a second communication apparatus communicably connected to said first communication apparatus for receiving the news information from said first communication apparatus, wherein said second communication apparatus includes:

- voice output means for outputting the content of the received news information as voice (**Abstract, Figure 1, column 3 line 54-column 4 line 4, column 4 line 61-column 5 line 3 and column 7 line 60-column 8 line 23; provision for voice output of news information via signal and speaker**);

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- display means for displaying an animation, which imitates a speaking individual, in conformity with the output of said voice (**Abstract, Figure 1, column 4 line 5-column 6 line 3, column 7 line 18-column 8 line 23 and column 8 line 54-column 9 line 3; provision for display of animation speaking in synchronization with the voice output of news information**);
- acceptance means for accepting a designation of type of the news information by voice (**column 7 line 60-column 8 line 23; acceptance of news weather forecast**); and
- notification means for notifying said first communication apparatus of the type of news information designated (**column 7 line 60-column 8 line 67; detection and notification of user's preferred news information**);
- wherein said first communication apparatus transmits the news information, which belongs to the designated type of which it has been notified by said second communication apparatus, to said second communication apparatus preferentially (**column 3 line 54-column 5 line 3 and column 7 line 18-column 8 line 67; news information and audio signals are transmitted from information processor to user's device**).

d. **Claims 10, 12, 17 and 24-29** contain limitations that are substantially equivalent to claim 11 and are therefore rejected under the same basis.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 3-6, 13-16, 18, 19, 22 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsujimoto* (USPN 6,271,841) in view of *Ahmad et al* (USPN 6,263,507).

a. **Per claim 3**, *Tsujimoto* teaches the apparatus according to claim 2 as applied above, yet fails to distinctly teach the apparatus according to claim 2, wherein said voice output means outputs the content of the received news information as voice in an order predetermined for every genre of the news information. However, *Ahmad et al* disclose receiving news information with predetermined associations and sequences for different news categories and subject matter (**Abstract, column 2 line 60-column 4 line 42, column 15 lines 25-61 and column 30 lines 1-30**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Tsujimoto* and *Ahmad et al* for the purpose of organizing the news content based on the genre or type in addition to providing animation and voice for displaying and outputting the news; because it would allow for differentiation among the different genres of news for indexing, filtering and categorization.

b. **Per claim 4**, *Tsujimoto* teaches the apparatus according to claim 2 as applied above, yet fails to distinctly teach the apparatus according to claim 2, wherein said receiving apparatus receives the news information from said transmitting apparatus periodically; said receiving apparatus further including storage means for storing the received news information; wherein only fresh news information from among the received news information is stored in said storage means. However, *Ahmad et al* disclose receiving news information from news sources at a specific time schedule, display and storage of real-time news data (**column 2 line 60-column 3 line 14, column 4 lines 30-42, column 6 lines 34-50, column 10 line 38-column 11 line 3, column 13 lines 25-51 and column 20 lines 22-54**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Tsujimoto* and *Ahmad et al* for the purpose of receiving news according to a time schedule and storing the updated news data; because it would provide a specific time for displaying the news information and archiving of up-to-date news data.

c. **Claims 13 and 14** are substantially similar to claims 3 and 4 and are therefore rejected under the same basis.

d. **Per claim 5**, *Ahmad et al* teach the apparatus according to claim 4, further comprising: means for determining, whenever content of the news information is output by said voice output means, whether fresh news information has been stored in said storage means; and means for determining degree of importance of content of the fresh news information if it is determined that the fresh news information has been stored; wherein said voice output means outputs content of the fresh news information as voice preferentially if the degree of importance of the content of the fresh news information is higher than that of the content of other news information (**column 6 line 51-column 8 line 14, column 20 lines 50-64 and column 28 line 1-column 29 line 43; provision for degrees of similarity and relevance**).

e. **Per claim 6**, *Tsujimoto* teaches the apparatus according to claim 2 as applied above, yet fails to distinctly teach the apparatus according to claim 2, wherein the order is capable of being set by a user. However, *Ahmad et al* disclose a mechanism for providing a user interface enabling user control instructions regarding how and when the news information should be displayed (**column 3 lines 34-59, column 5 lines 24-28, column 5 line 53-column 6 line 50, column 9 lines 37-46 and column 14 line 24-column 15 line 61**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Tsujimoto* and *Ahmad et al* for the purpose of providing a user interface for the user to have control over how the news data should be displayed on their device; because it would provide a mode of interaction for the user to manipulate the data according to their display preferences.

f. **Claim 16** is substantially equivalent to claim 6 and is therefore rejected under the same basis.

g. **Per claim 15**, *Ahmad et al* teach the apparatus according to claim 14, further comprises means for determining, whenever content of the news information is output by said voice output means, whether the designation of the type of news information has been made; wherein said voice output means outputs content of the news information, which belongs to the type designated, as voice preferentially if the designation has been made (**column 15 lines 25-61 and column 29 line 45-column 31 line 4; provision for categorized and uncategorized data**).

h. **Per claim 18**, *Tsujimoto* teaches the system according to claim 10 as applied above, yet fails to distinctly teach the system according to claim 10, wherein said second communication means has means for creating a document, which is described by operation description language, that defines processing executed by said display means and said acceptance means, said document incorporating the received news information. However, *Ahmad et al* disclose means for acquiring the user control information and primary information map that defines what should be executed on the display (**column 12 line 50-column 13 line 51, column 14 line 24-column 15 line 17, column 15 line 62-column 17 line 57, column 18 lines 22-51 and column 33 line 33-column 34 line 52**).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Tsujimoto* and *Ahmad et al* for the purpose of providing information regarding the processing of the news data on the display in addition to the news data being displayed according to the user's control and preference.

i. **Claims 19, 22 and 23** are substantially similar to claim 18 and are therefore rejected under the same basis.

10. **Claims 20 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Tsujimoto* (USPN 6,271,841) in view of *Merrick et al* (USPN 6,433,784).

a. **Per claim 20**, *Tsujimoto* teaches the system according to claim 10 as applied above, yet fails to distinctly teach the system according to claim 10, wherein said first communication means transmits the news information by transmitting a document, which is described by operation description language, that defines processing executed by said voice output means, said document incorporating the news information transmitted. However, *Merrick et al* disclose files generated for defining and specifying applications of the voice output (column 3 lines 58-67, column 5 line 36-column 7 line 27 and column 13 lines 34-62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Tsujimoto* and *Merrick et al* for the purpose of providing a file or document for specifying the voice output conditions and applications; because it would provide a reference for the audio functionality of the system in conjunction with the data being transmitted.

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b. **Claim 21** is substantially equivalent to claim 20 and is therefore rejected under the same basis.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Yamamoto* (USPN 6,208,359) discloses systems and methods for communicating through computer-animated images.
- b. *Hager et al* (USPN 6,532,498) disclose a method and system for event notification between software application program objects.
- c. *Merrill et al* (USPN 6,181,351) disclose synchronizing the moveable mouths of animated characters with recorded speech.
- d. *Cosatto et al* (USPN 6,112,177) disclose a coarticulation method for audiovisual text-to-speech synthesis.
- e. *Ando* (USPN 6,476,815) discloses information processing apparatus, method and information transmission system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

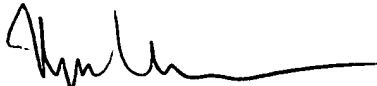
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds



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